

1 SANDRA R. BROWN  
2 Acting United States Attorney  
3 DOROTHY A. SCHOUTEN  
4 Assistant United States Attorney  
5 Chief, Civil Division  
6 INDIRA J. CAMERON-BANKS  
7 Assistant United States Attorney  
8 Chief, Financial Litigation Section  
9 CHRISTOPHER D. CROWELL (State Bar No. 253103)  
10 Assistant United States Attorney  
11 Federal Building, Suite 7516  
12 300 North Los Angeles Street  
13 Los Angeles, California 90012  
14 Telephone: (213) 894-8341  
15 Facsimile: (213) 894-7819  
16 E-mail: chris.crowell@usdoj.gov

17  
18 Attorneys for Plaintiff  
19 UNITED STATES OF AMERICA

20  
21  
22  
23  
24  
25  
26  
27  
28  
UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAIN KUMAR, M.D., an individual,  
and SHARMINI KUMAR, an  
individual,

Defendants.

Case No. 2:17-cv-5012

COMPLAINT FOR INJUNCTIVE  
RELIEF AGAINST FRAUD UNDER  
18 U.S.C. § 1345

[Crim. Case No. 2:16-cr-00364-PSG]

26920 Rolling Hills Avenue,  
Santa Clarita, California 91387

4820 Balboa Avenue,  
Encino, California 91316

19902 Pacific Coast Highway,  
Malibu, California 90265

## **JURISDICTION AND VENUE**

1. This is a civil action brought by the United States of America pursuant to 18 U.S.C. § 1345 to enjoin the alienation, transfer and/or disposition of property traceable to Federal health care offenses.

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1345.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1331(b)(2) as the property at issue is in, and the events giving rise to this claim occurred in, the Central District of California.

## PARTIES

4. Plaintiff is the UNITED STATES OF AMERICA.

5. Defendant KAIN KUMAR, M.D. is a resident of California and the defendant in the pending criminal action, United States v. Kain Kumar, C.D. Cal. Case No. 2:16-cr-00364-PSG (“Criminal Action”).

6. Defendant SHARMINI KUMAR is a resident of California and the spouse of Defendant KAIN KUMAR, M.D.

## PROPERTY AT ISSUE

## **Santa Clarita Property and Santa Clarita Property Sales Proceeds**

7. The first real property referenced herein is commonly described as 26920 Rolling Hills Avenue, Santa Clarita, California 91387, Assessor's Parcel Number 2841-023-074 ("Santa Clarita Property").

8. From February 2004 to February 2017, Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR held the Santa Clarita Property as community property with right of survivorship.

9. After his arrest in the Criminal Action, Defendant KAIN KUMAR, M.D. was released on a \$200,000 appearance bond secured by a Deed of Trust on the Santa Clarita Property. In connection therewith, Defendant KAIN KUMAR, M.D. agreed not to transfer or encumber the Santa Clarita Property until final disposition of the Criminal Action and exoneration of the appearance bond.

10. Nevertheless, on February 7, 2017, Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR sold the Santa Clarita Property to Samuel Agadzhanyan and Edita Shiganyan for \$2,650,000, without Court authorization and in violation of Defendant KAIN KUMAR, M.D.'s pretrial release order.

11. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR received \$850,018.26 in net sales proceeds (“Santa Clarita Property Sales Proceeds”) from the sale of the Santa Clarita Property.

## Encino Property

12. The second real property referenced herein is commonly described as 4820 Balboa Avenue, Encino, California 91316, Assessor's Parcel Number 2289-019-146 ("Encino Property").

13. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR hold the Encino Property as Joint Tenants.

14. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR listed the Encino Property for sale for \$3,098,500 on January 1, 2017. On June 21, 2017, Defendant KAIN KUMAR, M.D. was arrested for violating the terms of his pretrial release order by selling the Santa Clarita Property without Court authorization. Three days later, on June 24, 2017, the Encino Property was removed from the market.

## Malibu Property

15. The third real property referenced herein is commonly described as 19902 Pacific Coast Highway, Malibu, California 90265, Assessor's Parcel Number 4450-001-038 ("Malibu Property").

16. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR hold the Malibu Property as community property with right of survivorship.

17. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR listed the Malibu Property for sale for \$4,850,000 on January 2, 2017. The Malibu Property was removed from the market on June 23, 2017, two days after Defendant

1 KAIN KUMAR, M.D. was arrested for violating the terms of his pretrial release  
 2 order by selling the Santa Clarita Property without Court authorization.

3 **FIRST CLAIM FOR RELIEF**

4 **28 U.S.C. § 1345**

5 **(All Defendants)**

6 18. The allegations of paragraphs 1 through 17 are incorporated herein.

7 19. On June 20, 2016, Defendant KAIN KUMAR, M.D. was arrested on  
 8 the First Superseding Indictment in the Criminal Action, which charged Defendant  
 9 KAIN KUMAR, M.D. with conspiracy to pay and receive kickbacks for health  
 10 care referrals, in violation of 18 U.S.C. § 371, and three counts of receiving  
 11 kickbacks for health care referrals, in violation of 42 U.S.C. § 1320a-7b(b)(1)(A).

12 20. On July 6, 2017, the Grand Jury in the Criminal Action returned a true  
 13 bill, charging Defendant KAIN KUMAR, M.D. with (among other things)  
 14 violating 18 U.S.C. § 1347 by defrauding health care benefit programs, namely  
 15 Medicare and Medicare Part D drug plan sponsors, as to material matters in  
 16 connection with the delivery and payment for health care benefits, items, and  
 17 services. If convicted in connection with defrauding health care benefit programs,  
 18 Defendant KAIN KUMAR, M.D. will owe a substantial criminal restitution  
 19 obligation, payment of which will be secured by a lien in favor of the United States  
 20 on all of his property and rights to property pursuant to 18 U.S.C. § 3613(c).

21 21. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR used  
 22 proceeds received from defrauding health care benefit programs in violation of 18  
 23 U.S.C. § 1347 to purchase the Santa Clarita Property and/or to make mortgage  
 24 payments on the Santa Clarita Property.

25 22. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR used  
 26 proceeds received from defrauding health care benefit programs in violation of 18  
 27 U.S.C. § 1347 to purchase the Encino Property and/or to make mortgage payments  
 28 on the Encino Property.

23. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR used proceeds received from defrauding health care benefit programs in violation of 18 U.S.C. § 1347 to purchase the Malibu Property and/or to make mortgage payments on the Malibu Property.

24. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR alienated and/or transferred the Santa Clarita Property.

25. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR intend to alienate, transfer and/or dispose of the Santa Clarita Property Sales Proceeds.

26. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR intend to alienate, transfer and/or dispose of the Encino Property.

27. Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR intend to alienate, transfer and/or dispose of the Malibu Property.

## PRAYER FOR RELIEF

WHEREFORE, the UNITED STATES requests relief as follows:

1. That the Court enter an order enjoining and restraining Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR from alienating, disposing of, or transferring the Santa Clarita Property Sales Proceeds pending final disposition of the Criminal Action.

2. That the Court enter an order enjoining and restraining Defendants KAIN KUMAR, M.D. and SHARMINI KUMAR from alienating, disposing of, or transferring the Encino Property and/or the Malibu Property pending final disposition of the Criminal Action.

3. That this Court award the United States costs related to this suit.

111

111

111

111

4. For other and further relief as the Court deems just and proper.

SANDRA R. BROWN  
Acting United States Attorney  
DOROTHY A. SCHOUTEN  
Assistant United States Attorney  
Chief, Civil Division  
INDIRA J. CAMERON-BANKS  
Assistant United States Attorney  
Chief, Financial Litigation Section

/s/ Christopher D. Crowell  
**CHRISTOPHER D. CROWELL**  
Assistant United States Attorney

Attorneys for Plaintiff  
United States of America